IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26353 of 2005

DATED: 27.7.2006

Between:

S.M.Basha petitioner

And

APSRTC
Rep by its Vice Chairman & Managing Director,
Musheerabad , Hyderabad and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 26353 of 2005

ORAL ORDER:

In the present petition, the petitioner questions the action of the second respondent in imposing the punishment of withholding the increment of the petitioner for a period of two years with cumulative effect vide proceedings dated 5.2.1991 as confirmed by the first respondent by order dated 28.5.2001.

The petitioner is employed in the respondent corporation as driver. On the allegation of rash and negligent driving of the bus on 3.10.1990 the petitioner was imposed with punishment of withholding the increment for a period of two years with cumulative effect vide proceedings

dt 5.2.1991. The criminal proceedings initiated against the petitioner in C.C. No. 43 of 1993 ended in acquittal by judgment dated 26.6.1992. As against the imposition of punishment, the petitioner submitted a review petition after lapse about 10 years and the same was dismissed by order dated 26.5.2001. The petitioner alleges that rejection of his case by appellate and review authorities is unjust and that he has submitted a revision in the year 2002 but no orders were passed. It is also stated that the petitioner has submitted a reminder letter to the Managing Director-first respondent on 5.9.2003 and the same is pending.

Hence, the present writ petition.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent corporation.

The proceedings dated 5.2.1991 is order cum show cause notice and it seems the petitioner has not submitted any explanation to the said show cause notice and after lapse of about 10 years submitted an appeal which was dismissed by order dated 31.3.2001. Thereafter, the petitioner submitted a review petition on 2.5.2001, which was also rejected by order dated 28.5.2001 as time barred one. The operative portion of order dt 28.5.2001 reads as under;

> "Perused the review petition. The order against which the review petition is preferred was passed on 5.2.1991 whereas the review petition is preferred on 2.5.2001 (received on 26.5.2001) and no proper reasons were put forth by the petitioner for such late submission of review petition i.e., after a long gap of about 10 years. In terms of item no.29 of APSRTC Emplyees (CCA) Regulations, 1967, no action shall be initiated more than six months after the date of the order to be revised. Hence, the review petition is rejected as time barred."

In the present writ petition the petitioner challenges the order passed on 5.2.1991. There is no proper explanation offered by the petitioner for the delay caused in filing the appeal. The petitioner merely states that he has submitted a review to the first respondent in the year 2002 and a reminder letter dated 5.9.2003 and the same are pending, which cannot be accepted for the reason the review petition filed by the petitioner was rejected by the Regional Manager by order dated 28.5.2001. Even the present writ petition was filed after lapse of about 4 ½ years from the date of rejection of review petition, and the petitioner has not explained any reasons for delay in approaching this Court. Apart from the delay and laches, the petitioner has not made

out any case for interference of this Court with the punishment order dated 5.2.1991.

There are no merits in the writ petition. Accordingly the same is dismissed. No costs.

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N.V.RAMANA,J

DATE: 27.7.2006

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